HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 14592 of 2007

Dated 16th July, 2007

Between
Rekulapalli Lakshma Reddy

…Petitioner

and

The Government of AP, rep. By its Secretary,
Irrigation Department, Secretariat, Hyderabad, and,
Ors.

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 14592 of 2007

ORDER:

This Writ petition is filed seeking Writ of Mandamus to direct the respondents to pay compensation in respect of the Banana garden and Drip irrigation system which was in existence in an extent of Ac.2.20 gunts on the acquired land of the petitioner admeasuring Ac.4.34 guntas covered by Sy.No. 1465 of Desaipally village, Hamlet of Vilasagar, Bowenpally Mandal, Karimangar District.

The land of the petitioner totally admeasuring Ac.4.34 guntas covered by Sy.No. 1465 of Desaipally village was notified under Section 4(1) of the Land Acquisition Act, 1894 for the purpose of excavation of flood flowing canal. Pursuant to the consent given by the petitioner, Award was passed under Section 11(2) of the L.A. Act on 8-8-2005 by the second respondent. However, the petitioner made separate claim for banana garden covered with Drip Irrigation system,

which was in existence on the acquired land. In the Award itself, it is stated that the value of the Banana Garden is awaited from the Assistant Director (Horticulture), Karimangar and hence deferred for Award.

It is the grievance of the petitioner that with regard to his claim for payment of compensation in respect of Banana garden covered by Drip Irrigation System, though the respondents have deferred in the Award passed as early as on 8-8-2005 awaiting the value from the Assistant Director (Horticulture), but however, no further action is taken in the matter.

On the other hand, it is submitted by the learned Government Pleader appearing for the respondents that with regard to passing of Award in respect of the Banana garden, the matter was referred to Negotiations Committee and in that view of the matter, no decision has been taken.

Notification under Section 4(1) of the LA Act was issued as early as on 27-5-2005 and it is stated that possession was already taken and even consent award was also passed on 8-8-2005. However, with regard to Banana garden covered by Dip Irrigation system, no compensation was paid only on the ground that value of such banana garden is awaited from the Assistant Director, Horticulture, Karimnagar, and, even after passing of the award in respect of the land area, two years have elapsed.

As much as possession was already taken and award was passed with regard to the land area as early as on 8-8-2005, I dispose of the Writ petition, directing the respondents to pass award on the claim of the petitioner with regard to Banana garden covered by Drip Irrigation System, within a period of six weeks from the date of receipt of a copy of this order and communicate the same to the petitioner or

his counsel, if any, on record.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 16-7-2007
Msnr.